

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**A.G., a minor child; D.A., a minor child;)
A.L., a minor child; M.K., a minor child;)
and M.H., a minor child;)**

PLAINTIFFS,)

VS.)

**AUTAUGA COUNTY BOARD OF)
EDUCATION, et al.,)**

DEFENDANTS.)

CASE NO: 2:05-CV-1090-MEF

**B.H., a minor child, by and through his)
mother and next of friend, D.S.,)**

PLAINTIFFS,)

VS.)

**AUTAUGA COUNTY BOARD OF)
EDUCATION, et al.,)**

DEFENDANTS.)

CASE NO: 2:06-CV-0393-MEF

DEFENDANT'S MOTION IN LIMINE REGARDING INSURANCE

COMES NOW Defendant Autauga County Board of Education and moves for an order in limine precluding the introduction into evidence or the mention of, either by document, testimony, argument of counsel, or otherwise, the following matters:

1. The existence of any insurance for any defendant because none exists. The Autauga County Board of Education, for example, maintains no insurance coverage for this lawsuit. The Board is a member of the Alabama School Board Association and participates

in its risk management cooperative, Alabama Risk Management for Schools (ARMS). That risk management coverage, however, will not pay in the event the plaintiffs receive a jury verdict. The coverage specifically excludes claims resulting from “deliberate indifference.”

2. Any inability of the plaintiffs to pay for treatment or counseling.

3. The ARMS program is handled by 2 people only, both of whom reside outside this District (in Tuscaloosa and Pickens County). Accordingly, it is improper to ask the venire if someone works for ARMS.

This motion is filed to avoid any prejudice to the defendant.

This motion does not intend to preclude testimony or evidence of payment by collateral source of any of the plaintiffs’ medical bills, since an Alabama statute allows such evidence.

Respectfully submitted,

s/Katherine C. Hortberg

Mark S. Boardman (ASB-8572-B65M)

E-mail: mboardman@boardmancarr.com

Katherine C. Hortberg (ASB-5374-B34K)

E-mail: khortberg@boardmancarr.com

BOARDMAN, CARR & HUTCHESON, P.C.

400 Boardman Drive

Chelsea, Alabama 35043-8211

Telephone: (205) 678-8000

Facsimile: (205) 678-0000

CERTIFICATE OF SERVICE

I hereby certify that I have on this 17th day of **May, 2007**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Michael J. Crow, Esq.
BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.
P. O. Box 4160
Montgomery, Alabama 36103-4160

Robert D. Drummond, Jr., Esq.
323 De La Mare Avenue
Fairhope, Alabama 36532

Mr. Terry C. Wright, AIS 247561
Limestone Correctional Facility, Dorm 16
28779 Nick Davis Road
Harvest, AL 35749-7009

s/Katherine C. Hortberg
OF COUNSEL